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TAGS: [PGOV](#) [KDEM](#) [EAGR](#) [KJUS](#) [CB](#)

SUBJECT: CAMBODIA'S LAND DISPUTE AUTHORITY: WILL IT WORK?

Classified By: Pol/Econ Chief Margaret B. McKean, Reason 1.4 (b) and (d)
)

¶1. (C) Summary. The recently proposed national land dispute authority comprised of officials from ten ministries, representatives from the three political parties, and NGO representatives remains a work in progress and has already generated controversy. Three NGOs invited to participate have declined, citing the need to protect their role as independent watchdogs. Sam Rainsy has defended the planned National Authority on the grounds that it has the potential to become an institutional solution for resolving Cambodia's intractable conflicts over land. Other NGOs have indicated a willingness to participate; some, like LICADHO, have said that NGOs should form their own grouping and consult with the new Authority but not participate as members. Kem Sokha of the Cambodian Center for Human Rights and other NGO reps will meet with the Prime Minister on March 15 to discuss land issues. End Summary.

New Land Dispute Body

¶2. (U) On February 26, the Cambodian government issued a royal decree establishing a National Authority for Land Dispute Resolution, headed by Deputy Prime Minister Sok An as the PM's representative. Also included in the new body are 15 officials from ten different Ministries, Secretary General of the Cambodian Development Council (CDC), a representative of the Council of Ministers, a government attorney, representatives of the SRP and FUNCINPEC, and an unspecified number of NGO representatives. The actual composition of the National Authority will be determined by a future sub-decree, as will the organizational structure of the General Secretariat of the Authority (which will be housed at the

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Council of Ministers).

¶3. (U) The duties and responsibilities of the Authority will include educating the public as to the consequences of illegal land seizures, investigate and resolve land disputes -- particularly those cases that are beyond the political capacity of the National Cadastral Commission (which has the legal authority to resolve land disputes), monitor the resolution decisions of the Cadastral Commission, and prepare reports to the Prime Minister regarding land dispute decisions. The roles and responsibilities of the General Secretariat receive and vet cases based on complaints,

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conduct field visits, arrange the meetings and take minutes for the National Authority, maintain documents related to land disputes, submit records to relevant courts if

requested, and publicize resolutions decided by the National Authority.

14. (C) On February 9, Sam Rainsy said that he was prepared to join and support the National Authority, at least initially. The proposed body could be a viable institution for resolving the most contentious and politically difficult of the land disputes -- the estimated 25 percent that the National Cadastral Commission refuses to touch. Rainsy said that the Commission has a backlog of over 1,800 cases -- an impossible workload and one that requires the formation of another body empowered to make tough decisions. Rainsy was dismissive of NGO leader Kem Sokha for rejecting an invitation to work with the National Authority and instead requesting a meeting with the Prime Minister to discuss resolution of land issues. Rainsy insisted that Cambodia's democrats should be seeking institutional improvements to improve the democratic framework of the government. The opposition leader said that Cambodia's NGO community needs to move beyond simply fulfilling an adversarial role in the society, and work with the government on occasion when its in civil society's interest. Rainsy noted that if the group is simply a front for giving the appearance of high-level government attention to land disputes, but is powerless to make decision, then he will be among the first to leave. Until that time, however, he believes that the opposition as well as civil society should take advantage of these openings with the government to further the democratic reform agenda.

15. (C) On February 12, PM senior advisor Om Yentien told us that the Prime Minister planned to meet with Kem Sokha and about 10 other NGOs on March 15 to discuss land issues. CCHR later confirmed that the NGOs will meet with the PM at the latter's residence on the morning of the 15th; the group of NGOs reportedly met on February 13 to discuss their agenda and how best to consult with the government on land disputes. Om Yentien said he will continue to work with Sam Rainsy on several existing cases, as he has done already in the complaint lodged by some businessmen in Kampong Thom.

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16. (C) An international advisor to the Community Legal Education Center (CLEC) told Pol/Econ Chief on February 10 that CLEC leader Yeng Virak was disappointed that Kem Sokha and others initially rejected the invitation to work with National Authority. He said that Virak and other NGO leaders had planned to meet to discuss the invitation and proposed work of the National Authority; instead, Kem Sokha and several others made their decisions to reject the invitation and spoke with the press before conferring with the other NGOs.

Comment

17. (C) Land disputes are a growth industry in Cambodia, as borne out by the National Cadastral Commission backlog estimates. The government seems eager to enlist the opposition in dealing with these thorny issues. If the opposition can score some success with the new authority, it could give the opposition a political boost. At the same time, there is a danger that the new authority could get bogged down in controversial, complex land disputes. End Comment.
Mussomeli